IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE BILAL NAZKI

WRIT PETITION NO : 20008 of 1995

Between:

P.V.Narayanamma W/o.N.Tirumala Reddy
R/o.Buchireddypalem Town & Mandal Nellore Dist.

..... PETITIONER

AND

1 The Collector & Dist. Magistrate, Nellore
2 The Director of Medical & Health Services Andhra Pradesh, Hyd. Hyderabad.
3 The Dist. Medical & Health Officer, Nellore Dist., Nellore.
4 The Mandal Revenue Officer, Nellore Mandal, Nellore Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of order or direction more particularly one in the nature of writ of mandamus declaring the order of the Collector and Dist. Magistrate, Nellore the 1st respondent herein in his proceedings D.D is .4154/(M)/93 dt.22/3/1995 cancelling the petitioner's caste certificate issued by the 4th respondent in his proceedings dt.1/4/1992 as illegal, arbitrary, without jurisdiction unjust and violative of principles of Natural Justice and also Article 14 of the Constitution of India and set aside the same.

Counsel for the Petitioner: MR.P.SRIDHAR REDDY

Counsel for the Respondents : GP FOR SOCIAL WELFARE

The Court made the following :

ORDER:

Nobody appears for respondents. Counter is not filed.

The writ petition has been filed challenging the proceedings issued by first respondent in D.Dis.No.4154(M)/93, dated 22-3-1995 by which the B.C. caste certificate issued by Mandal Revenue Officer in favour of the petitioner has been cancelled.

The allegation of the petitioner is that the Collector relied on a report given to him by the Mandal Revenue Officer. This report was never made available to the petitioner and he did not know what it contains. The Collector could not have relied on the report without giving a chance to the petitioner to controvert the report. This is not denied and even the impugned order manifests that the report of Mandal Revenue Officer was taken into consideration. There is nothing on record to show that the report was made available to the petitioner.

For this reason alone, I allow the writ petition and quash the impugned order. However, liberty is given to the respondents to proceed afresh in accordance with rules against the petitioner if they feel that the Caste Certificate obtained by the petitioner was not genuine. No costs.

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02nd DECEMBER 2004

KVRK

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the

Thursday the Second day of December Two thousand and Four.

Asst. Registrar

To

1 The Collector & Dist. Magistrate, Nellore
2 The Director of Medical & Health Services Andhra Pradesh, Hyd. Hyderabad.
3 The Dist. Medical & Health Officer, Nellore Dist., Nellore.
4 The Mandal Revenue Officer, Nellore Mandal, Nellore Dist.

5. Two CCs to GP for Social Welfare, High Court Buildings, Hyderabad(OUT).

6. Two CD copies.

THE HON'BLE SRI JUSTICE BILAL NAZKI

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